

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – December 2, 2008**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Cioni, Higgins, Woykowski, Van Deursen - Present
Oakley – 8:00 p.m.
Housel – 8:30 p.m.
Turner - Absent

Also Present: John Corica, Borough Manager
Steve Farsiou, Municipal Attorney
Kristine Blanchard, RMC Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

Mayor Van Deursen entertained a motion to enter Executive Session.

Motion made by Higgins, seconded by Woykowski.

Ayes: 4, Nays: 0
Motion Carried

RESOLUTION 237-2008

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session

closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:

_____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

_____Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

X_ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any

specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be: ___**SIX MONTHS** estimated length of time) OR upon the occurrence of _____;

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Motion made by Higgins, seconded by Woykowski to return to open session at 8:20 p.m.

Ayes: 5, Nays: 0
Motion Carried

COUNCIL APPEARANCE

None

MINUTES:

None

COMMUNICATIONS:

The following communications were entered into the record:

1. Wayne Dietz Re: Risk Manager for the Year 2009

It was moved by Higgins, seconded by Oakley that the communications be acknowledged, received and filed.

Ayes: 5, Nays: 0.
Motion carried.

AUDIENCE:

Hearing no further comments from the audience a motion was made by Oakley, seconded by Cioni to close the audience portion of the meeting.

Robert Christianson 165 Broad St.

Mr. Christianson explained to the Governing Body an incident that happened to his family on July 8, 2008. He stated he wants to make Council aware of what is going on in town. He explained that he had purchased a fire pit from Home Depot. He was informed by two officers that an open burn is not allowed in the Borough and the Zoning Officer/Fire Inspector was called. He stated he felt like he was being interrogated.

He explained that a great deal of his own personal time was invested in resolving this issue. In the end it turned out that it was a recreational fire and was allowed. Mr. Christianson thought the issue was settled however he stated he received another summons from the Zoning Officer for having a car illegally parked on his property. He explained that over the summer he had planted grass on a portion of his driveway to resolve an erosion problem. The Zoning Officer stated that planting the grass had extended his front yard. This matter will now be in court.

He stated he is offering the Governing Body an opportunity to do something about this. He is seeking a commitment from Council to change the behavior of its municipal employees.

Mark Mateo Washington Theatre

Mr. Mateo stated he is interested in offering alternate side of the street parking on Railroad Ave. for movie theatre patrons. He would also like to install a sign stating there is additional theatre parking on Railroad Ave. He would like to make it easier for people to understand if they are not from the area. Mayor Van Deursen suggested a meeting with Manager Corica to review the parking ordinances first.

ORDINANCES:

Ordinance 15-2008 AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR THE YEARS BEGINNING 2009 (Public Hearing/Adoption)

Mayor Van Deursen entertained a motion to introduce **Ordinance #15-2008.**

Ordinance 15-2008 was moved by Councilman Housel, seconded by Councilwoman Oakley.

It was further moved by Housel, seconded by Oakley that the Clerk read Ordinance #15-2008 by title only.

The Clerk read Ordinance #15-2008 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Roll Call: Woykowski, Cioni, Higgins, Housel, Oakley, Van Deursen

Ayes: 6, Nays: 0.
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Housel motioned to close the public hearing seconded by Councilman Higgins.

Ayes: 6, Nays: 0
Motion Carried

Council Discussion:

None

Mayor Van Deursen entertained a motion to adopt Ordinance 15-2008 on final adoption.

Motion made by Higgins, seconded by Housel to adopt Ordinance 15- 2008 on final reading.

Roll Call: Woykowski, Higgins, Van Deursen, Cioni, Housel, Oakley

Ayes: 6, Nays: 0
Motion Carried

REPORTS:

It was moved by Cioni, seconded by Higgins, to receive and file the reports.

Roll Call: Higgins, Van Deursen, Cioni, Housel, Oakley, and Woykowski.

Ayes: 6, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: - Councilman Cioni stated he is looking into advertising on the Borough website to defer some of the yearly costs associated with website maintenance. We can not regulate who can advertise.

Curfew Committee: No Report

Concession Stand Committee – Councilman Cioni reported there has been no formal submittal of RFP’s to date.

Pedophile Ordinance Committee: No Report

BID: No Report

Recreation Report – No Report

Parking Lot Committee – Councilman Cioni stated that the remediation plan approval could be received in two weeks. The Bid requested additional sets of prints and the remediation plan from Suburban Engineering. Councilman Housel stated there could be additional cost in providing those plans? Councilman Cioni will follow up and ask. Councilman Housel stated other agencies can not be spending money on behalf of the Borough. Manager Corica reported there has been no update on the Bid financing and work cannot begin until the financing is in place. The Bid will not front the money. Councilman Cioni stated that if any work begins without financing the Bid will loose the grant.

Manager Position – Councilman Cioni reported that eleven resumes have been received to date. The committee will begin the phone interview process shortly. The nj.com ad and the NJ League of Municipalities ad is in place. Councilman Cioni stated he needs approval from Council to place the ad in the ICMA. The cost of the ad is \$250.00. Council agreed to place the ad in the ICMA for \$250.00 to run from December 15 through January 15.

VOUCHERS AND CLAIMS

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting.

Council Discussion: Manager Corica stated that the bills for the State Police on page 15 need to be pulled from the bills list. He also stated he would like approval to pay the bill for the ASCA Dental Insurance invoice that came in after the processing of the bills list in the amount of \$1094.15.

Mayor Van Deursen entertained a motion to approve the vouchers with the inclusion of the ASCA Dental Insurance Invoice.

Motion made by Housel, seconded by Cioni to approve the vouchers and claims list in the amount of \$

Ayes: 6, Nays: 0
Motion Carried

OLD BUSINESS:

Permitted Businesses Downtown

Councilman Cioni stated this ordinance should be amended to be more specific about certain types of businesses. By not thoroughly reviewing this ordinance it opens the door for a host of problems. Mayor Van Deursen stated that no one was directed to target a particular class or type of business. Councilman Cioni stated that the Borough's professionals should have pointed out what certain types of codes mean and what businesses are included. Manager Corica explained that you must be careful as to how you approach this. It is acceptable to exclude businesses from certain areas of the community however; you cannot exclude them entirely. Council Woykowski stated that this had been discussed and the communication was not followed up on between the Planning Board and Council. We as a Council had given direction to our professionals to advise us and we did not hear back from the professionals. We did not receive copy of the codes described in the NICS. She stated that Council was very specific about this. Manager Corica stated the ordinance came from Clarke, Caton, and Hintz and was adopted based on their recommendations.

Mayor Van Deursen stated the Governing Body needs a listing of what could potentially fall under some of these classification codes in order to revisit this ordinance next year. Mayor Van Deursen Council needs discuss as a whole discuss the types of businesses they do not want to see and the list needs to be voted on.

Planning Board Chair, Patrick Boyle stated the Planning Board did discuss two types of businesses in particular; dance companies and certain types of clubs. The Board was not going to say we don't want them in our downtown. We don't have many businesses as it is.

Police Merger Financial

Councilman Higgins noted that in the last meeting he got the impression that a vote was going to need to be taken during the meeting on the 18th. He stated he still has some questions. Mayor Van Deursen stated that is the reason for the meeting on the 18th. She stated that the committees are following the procedure outlined. There is a meeting with the committee and the members of the police department and Marc Pheiffer tomorrow. Manager Corica will then present an executive summary report to Council and the Township Committee, so that everyone can review it. It will then be placed on the agenda for the next council meeting. At the meeting on the 18th we will decide to further investigate or go ahead with the implementation grant. She also stated that Council should participate in tomorrow's meeting. Councilwoman Woykowski stated there are a few questions that need to be answered before we make the decision to move forward with the implementation grant. Councilman Higgins noted that this Governing Body can not make a decision for future Councils. He also feels this is moving too quickly. There is not even a copy of a contract. Councilman Housel asked about the assets that the Borough Police Department has. There has not been a monetary value placed on them. He also asked about the rent payments that the Borough will have to pay to the township. He also noted that there needs to be an oversight committee made up of the Township and Borough. Right now, there is nothing stopping the township from hiring more officers. If they did that there would really be no savings. Councilwoman Woykowski stated that there have been no discussions on the crossing guards. Manager Corica stated that the Borough will hire the crossing guards and supervise them. Councilwoman Woykowski asked if this is included in the overall price. Councilwoman Oakley inquired about the summonses issued in the Borough. Manager Corica stated any summonses issued in Borough comes here to this Municipal Court. The ultimate goal is to merge the two courts after 18 months. Councilwoman Woykowski would like to have an agreement from another municipality that has gone through this to review.

Councilman Higgins motioned to extend an open invitation to the police officers for executive session to discuss any concerns. Council agreed.

Amended Tax Agreement - Midtown

Motion made by Housel, seconded by Higgins to approve the amended Midtown Tax Agreement.

Ayes: 6, Nays: 0
Motion Carried

Midtown Crosswalk

Manager Corica stated that Marvec will no longer be involved in the crosswalk. The installation of the lights will now be in the spring. All of this will be covered under Marvec's performance bond which the Borough is holding.

Councilman Cioni asked if the drainage issues with the Kid Care property has been taken care of. Manager Corica stated that should happen imminently.

NEW BUSINESS

Discussion on Security Cameras for Park

Councilman Cioni stated he researched Security Cameras. He stated for eight cameras; four at the park and four at the DPW garage the cost is \$18,000.00. This includes the cameras, cables, and monitors but does not include the install of software or training. Manager Corica noted that we would need an RFP that we can send out for quotes. There are capital funds that remain that can be tapped for this purpose. Councilman Cioni stated he will meet with the Borough Manager to review the specs.

Councilman Housel left the meeting at 10:30 p.m.

Resolution 226-2008 Transfer of Appropriations

Resolution 226-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

Roll Call: Higgins, Oakley, Woykowski, Cioni, Van Deursen.

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION # 226-2008

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-58 provides for the transfer of excess appropriations by not less than 2/3 vote of the full membership of the governing body during the last two months of the fiscal year; and

WHEREAS, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following appropriation

transfers are hereby approved:

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
Streets and Roads S&W	Financial Administration OE	\$5,000
Aid to Volunteer Ambulance OE	Electricity	\$751
Aid to Volunteer Ambulance OE	Natural Gas	\$1,089
Aid to Volunteer Ambulance OE	Sewerage Disposal	\$45
Aid to Volunteer Ambulance OE	Gasoline	\$9,554
Aid to Volunteer Ambulance OE	Workers Compensation	\$4,700
TOTALS OF ALL TRANSFERS		\$21,139

Be It Further Resolved that a copy of this resolution be forwarded to the Chief Financial Officer for implementation.

Resolution 234 – 2008 Petition for Substantive Certification Executive Order

Resolution 234-2008 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Council Discussion: Manager Corica stated this will delay the third round COAH until December of 2009. Councilwoman Woykowski stated the Borough has already done the third round COAH; if the state wants it done over they should do it. Councilman Higgins stated that he does not agree with this.

Roll Call: Cioni, Van Deursen, Oakley – Yes
Higgins – No
Woykowski - Abstain

RESOLUTION # 234 - 2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, WARREN
COUNTY, NJ SEEKING AN EXTENSION OF THE DEADLINE TO PETITION FOR
SUBSTANTIVE CERTIFICATION PURSUANT TO EXECUTIVE ORDER 114 AND
THE MEMORANDUM OF UNDERSTANDING BETWEEN THE HIGHLANDS
COUNCIL AND THE COUNCIL ON AFFORDABLE HOUSING

WHEREAS, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH) and the New Jersey Highlands Council (Highlands) to enter into a Memorandum of Understanding (MOU) designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

WHEREAS, COAH and the Highlands have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

WHEREAS, conformance with the Highlands Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

WHEREAS, on 2 December 2008 the governing body of the Borough of Washington adopted a resolution notifying the Highlands that the Borough will submit a Petition for Plan Conformance by 1 December 2009.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Washington hereby agrees that its deadline for the submission of a Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:96-16 is extended from December 31, 2008 to December 8, 2009; and

BE IT FURTHER RESOLVED that the governing body of the Borough of Washington hereby directs the Municipal Clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

BE IT FURTHER RESOLVED that the governing body of the Borough of Washington hereby directs the Municipal Clerk to immediately transmit a signed and sealed copy of the December 2nd duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines to COAH; and

BE IT FURTHER RESOLVED that the governing body of the Borough of Washington intends to submit a petition for substantive certification of a third round Housing Element and Fair Share Plan to COAH not later than December 8, 2009.

Resolution 235-2008 Notice of Intent to Petition the Highlands Council for Plan Conformance

Resolution 235-2008 was moved on a motion made by Oakley, seconded by Cioni and adopted.

Roll Call: Oakley, Cioni, Van Deursen – Yes
Woykowski, Higgins – No

RESOLUTION 235 - 2008

RESOLUTION OF THE BOROUGH OF WASHINGTON COUNCIL OF WARREN COUNTY NOTICE OF INTENT TO PETITION THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State’s drinking water supplies and other key natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region and requiring that within nine to 15 months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

WHEREAS, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, the Highlands Council’s Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, a Notice of Intent to conform to the Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but not later than February 1, 2009 and that for any lands in the Planning Area, a Notice of Intent may be submitted at any time; and

WHEREAS, the Borough of Washington lies within the Planning Area of the Highlands Region as defined by the Highlands Act; and

WHEREAS, the Council of the Borough of Washington believes that it is in the best interest of the Borough of Washington in Warren County to conform to the Regional Master Plan.

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Washington hereby provides the Highlands Council with this Notice of Intent to petition the Highlands Council for Plan Conformance for all lands lying within the Planning Area. In accordance with the Highlands Council's Plan Conformance Guidelines, this Notice of Intent is not binding with respect to lands within the Planning Area.)

Resolution 236-2008 Appointing Engineer as a Professional Service without Seeking Competitive Bids

Resolution 236-2008 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Woykowski, Van Deursen, Oakley

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 236 - 2008

A RESOLUTION APPOINTING AN ENGINEER AS A PROFESSIONAL SERVICE WITHOUT SEEKING COMPETITIVE BIDS.

WHEREAS, there exists a need for professional engineering services to prepare an updated Waste Water Management Plan to comply with DEP regulations; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, Suburban Consulting Engineers of Mount Arlington, New Jersey serves as the Borough Sewer Engineer and has agreed to perform professional engineering services, as outlined in their proposal to prepare an updated Wastewater Management Plan dated 17 November 2008 in an amount not to exceed \$40,250; and

WHEREAS, the services to be provided by, Suburban Consulting Engineers constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A: 11-1 et. seq.).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The Manager is hereby authorized and directed to enter into a contract with Suburban Consulting Engineers to prepare a Wastewater Management Plan per the proposal submitted on 17 November 2008 and annexed hereto in an amount not to exceed \$40,250;

2. That said contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5; and
3. A certification of funds by the Chief Financial Officer is attached hereto;
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Resolution 238-2008 Cancel Small Tax Balances

Resolution 238-2008 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Oakley, Woykowski, Van Deursen

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #238-2008

CANCEL SMALL BALANCES FOR 2008

WHEREAS, the State of New Jersey allows a Municipal employee to process the cancellation of any municipal charges including overpayments or delinquencies of \$10.00 and less; and

WHEREAS, the Municipal employee allowed to process the cancellations shall be the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby authorizes the Tax Collector of the Borough of Washington to process the cancellation of any municipal charges of \$10.00 or less.

Resolution 239-2008 Requesting Approval of items of Revenue and Appropriations

Resolution 239-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

Roll Call: Higgins, Oakley, Van Deursen, Cioni, Woykowski

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #239-2008

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS NJSA
40A: 4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$3899.16 which is now available from the Division of Highway Traffic Safety in the amount of #3899.16

BE IT FURTHER RESOLVED, that the like sum of \$3899.16 is hereby appropriated under the caption of Payroll – Obey the Signs or Pay the Fines.

BE IT FURTHER RESOLVED, that the above is the result of funds from Special Crackdown Grant in the amount of \$3899.16.

Resolution 240-2008 Authorize Installment Plan for Sewer – De Monti

Resolution 240-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

Roll Call: Higgins, Oakley, Woykowski, Van Deursen, Cioni

Ayes: 5, Nays: 0
Motion Carried

**RESOLUTION # 240 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ**

WHEREAS, the Borough has been requested by Michael DeMonti, d/b/a Washington Condos, LLC, the owner of the 14 condominium properties located at 2-4 East Washington Avenue in the Borough, upon eleven of which have accrued sewer arrearages of over \$12,000.00 as of November 26, 2008, including interest and penalties,

to enter into an agreement with Mr. DeMonti whereby he would make installment payments to become current in the payment of his past due sewer charges while also paying current sewer charges, within a period of time not to exceed 9 months; and

WHEREAS, Mr. DeMonti has proposed to make an initial payment of \$2000 to be credited to such past due charges on the eleven condominium properties during the first week of December, 2008, with subsequent payments to be made of \$1401 per month every month following December, 2008, to be divided by the Borough Tax Collector between a delinquent account and a current account for the eleven condominium properties, until the total arrearage amount is satisfied, and

WHEREAS, the Code of the Borough of Washington, in section 70-31, states that sewer arrearages shall be collected and enforced in the same manner as liens for taxes; and

WHEREAS, the Borough is authorized, pursuant to N.J.S.A. 54:4-99 et. seq. to make such abatement, revision, alteration, adjustment and settlement of any past due taxes and other municipal charges, including both interest and penalties, as the Borough deems equitable, just and in the best interests of the Borough; and

WHEREAS, the Borough is further authorized pursuant to N.J.S.A. 54:5-19 to accept installment payments on delinquent municipal charges under the circumstances set forth therein, if all such delinquencies are paid in not more than five years in equal monthly installments and current year taxes and municipal charges are promptly paid; and

WHEREAS, permitting the payment of these sewer arrearages over a limited time period would enable the Borough to collect the full amount due it, and also allow the Borough to receive the funds more quickly and without additional professional costs than would be incurred if the Borough had to purchase and perfect a tax sale certificate issued upon a tax sale of this property; and

WHEREAS, given the present economic situation as well as the policy of the Borough to revitalize its downtown and support commercial enterprises whenever possible, the Borough has determined that it would be just, equitable, and in the best interest of the Borough to accept the proposed installment payment arrangement;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that :

1. Michael DeMonti shall pay the past due sewer charges levied on the eleven condominium properties located at 2 East Washington Avenue, Washington, NJ, by making a payment of \$2000 no later than the close of business on December 5, 2008, to the tax collector of the Borough, to be credited to his past due sewer charges for this property.

2. Additional payments of \$1401 shall be made by Mr. DeMonti no later than the close of business on the last business day during the first week of each and every month following December, 2008, until such time as the total sewer arrearage due and owing on this property shall be completely paid, which payments shall be divided by the Borough Tax Collector between a delinquent account and a current account for the eleven condominium properties, until the total arrearage amount is satisfied.
3. All statutory interest and penalties shall continue to accrue on any unpaid balance until the total arrearage is completely paid.
4. If any payment is missed, the property shall be subject to tax sale for all unpaid charges which are a first lien on the property, and further, no additional installment payments shall be permitted.
5. Mr. DeMonti shall promptly pay all taxes and other municipal charges for the current year.

Resolution 241-2008 Requesting Approval of items of Revenue and Appropriations

Resolution 241-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

Roll Call: Higgins, Oakley, Cioni, Van Deursen, Woykowski

Ayes: 5, Nays: 0
Motion Carried

COUNCIL REMARKS

Councilman Higgins – stated that he would like to have a special meeting on December 29, 2008 to award the bid of the fire truck. Motion made by Higgins, seconded by Oakley to hold a special meeting on December 29.

Ayes: 5, Nays: 0
Motion Carried

Councilwoman Woykowski – stated that Council does need to discuss the CFO position. The Council is in receipt of the desk audits and this should help them in making the decision.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Cioni that the meeting be adjourned at 11:00 p.m.

Ayes: 5, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk